The Southern PATRIOT

Vol. 12. No. 6 Published by the Southern Conference Educational Fund, Inc. June, 1954

RULING REUNITES ETHICS, LEGALITY IN SOUTH

But Will Ghettoes Thwart Integration?

How does one editorialize about the transfiguration of a nation's soul? All that was in shadow beams now with light; for lack of familiar outline, the editorialist is tempted to fuzzy euphoria. Because the event has no comparison within living memory, he is likely to call it revolutionary, forgetting the long travail that led to its fruition.

"The Emancipation Proclamation set our bodies free; this decision has freed our minds."

That is the way a Negro schoolgirl in Washington, D.C., summarized the outlawing of segregation in public schools.

But more than the minds of a race of people has been liberated. With the death of the "separate but equal" dogma, ethics and legality have been reunited in the South for the first time in more than a half century. All the peoples of the South, and the nation, can now appraise themselves and their society by a single standard.

The spiritual schizophrenia that resulted from the credo: "one nation indivisible—except into White and Colored in 17 states," is now ended.

The pressure has abated that once made churches and other private organizations ape the public standard of segregation set by state law.

Most importantly, the opponents of segregation are no longer virtual outlaws. No matter what religious basis, no matter what democratic premise the anti-segregationist offered to support his case, the incontravertible fact remained that he was urging action contrary to law —law that had been upheld, at least tacitly, by the highest authority.

Now the situation is reversed. The racist is the outlaw. Having long ago rejected the institutions of the Twentieth Century, he is left with out refuge at this breach of the Black Codes.

And therein lies a profound irony. The South is a law-abiding region. That is proved by the continuing compliance for over 50 years to segregation laws which flaunted all commonsense, all common good, all ethical teachings. Cannot one expect an enduring acquiescence to legal provisions which promote prosperity and good conscience?

—Courtesy Louisville Courier-Journal

WADE FAMILY STANDS BEFORE BROKEN WINDOW

But to date there has been only the judicial decision, not the final decree—and implementation is not yet in sight.

The Washington school system has begun integration, announcedly as a model for others. The school boards of Greensboro, N. C. and Baltimore, Md., have voted compliance. There will be others.

However, obstacles remain that can render hollow the practical effect of integration. They can, that is, unless the decent people of the South respond to the bold language of the court with bold personal action.

One obstacle is Governor Talmadge and his ilk. There are threats to fire Negro teachers and the region's needs make them indispensable. But the subtlest and most formidable block is this: school districts are geographical, the choice of schools is based on proximity—and Negro ghettos will produce ghetto schools, "integrated" in name only.

The Dixiecrats have been quick to sense the immediate advantage this population pattern gives them. They are out to perpetuate it. A group of Southern senators are debating whether to try to scuttle the federal housing program or not, for fear that it may be conducted on an integrated basis. Flames glowed on Birmingham's "Dynamite Hill" for the first time in more than a year when an attempt was made to burn the new home of a Negro dentist last month. The contention has been that Negroes are

(Continued on Page 4.)

'In Education, "Separate But Equal Doctrine" Has No Place'

After a general summary of previous cases and the cases presently before the court, Chief Justice Warren proceeded to analyze the "separate but equal" doctrine, and the reasons why segregation should be ended in public schools. The following quotes that section of the ruling.

The doctrine of "Separate but Equal" did not make its appearance in this court until 1896 in the case of Plessy v. Ferguson, supra, involving not education but transportation.

American courts have since labored with the doctrine for over half a century. In this court, there have been six cases involving the "Separate but Equal" doctrine in the field of public education.

In Cumming v. County Board of Education, 175 U. S. 528, and Gong Lum V. Rice, 275 U. S. 78, the validity of the doctrine itself was not challenged. In most recent cases, all on the graduate school level, inequality was found in that specific benefits enjoyed by white students were denied to Negro students of the same educational qualifications. Missouri ex rel. Gaines v. Canada, 305 U. S. 337; Sipuel v. Oklahoma, 332 U. S. 331; Sweatt v. Painter, 339 U. S. 629; McLaurin v. Oklahoma State Regents, 339 U. S. 637.

In none of these cases was it necessary to re-examine the doctrine to grant relief to the Negro plaintiff. And in Sweatt v. Painter, supra, the court expressly reserved decision on the question whether Plessy v. Ferguson should be held inapplicable to public education.

In the instant cases, that question is directly presented. Here, unlike Sweatt v. Painter, there are findings below that the Negro and white schools involved have been equalized, or are being equalized, with respect to buildings, curricula, qualifications and salaries of teachers, and other "tangible" factors.

Cannot Turn Back Clock

Our decision, therefore, cannot turn on merely a comparison of these tangible factors in the Negro and white schools involved in each of the cases. We must look instead to the effect of segregation itself on public education.

In approaching this problem, we cannot turn the clock back to 1868, when the Amendment was adopted, or even to 1896, when Plessy v. Ferguson was written. We must consider public education in the light of its full development and its present place in American life throughout the nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship.

Today, it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment.

Education Is Essential

In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

In Sweatt v. Painter, supra, in finding that a segregated law school for Negroes could not provide them equal educational opportunities, this court relied in large part on "those qualities which are incapable of objective measurement but which make for greatness in a law school."

In McLaurin v. Oklahoma State Regents, supra, the court, in requiring that a Negro admitted to a white graduate school be treated like all other students, again resorted to intangible considerations: "* * * his ability to study, engage in discussions and exchange views with other students, and, in general, to learn his profession."

Such considerations apply with added force to children in grade and high schools. To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.

Kansas Ruling Cited

The effect of this separation on their educational opportunities was well stated by a finding in the Kansas case by a court which nevertheless felt compelled to rule against the Negro plaintiffs:

"Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group.

"A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racially integrated school system."

Whatever may have been the extent of psychological knowledge at the time of Plessy v. Ferguson, this finding is amply supported by modern authority. Any language in Plessy v. Ferguson contrary to this finding is rejected.

'Separate But Equal' Denied

We conclude that in the field of public education the doctrine of "Separate but Equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment.

Because these are class actions, because of the wide applicability of this decision, and because of the great variety of local conditions, the formulation of decrees in these cases presents problems of considerable complexity. On reargument, the consideration of appropriate relief was necesarily subordinated to the primary question—the constitutionality of segregation in public education.

We have now annouced that such segregation is a denial of the equal protection of the laws. In order that we may have the full assistance of the parties in formulating decrees, the cases will be restored to the docket, and the parties are requested to present further argument on Questions 4 and 5 previously propounded by the court for the reargument this term.

The Attorney General of the United States is again invited to participate. The Attorneys General of the states requiring or permitting segregation in public education will also be permitted to appear as amici curiae upon request to do so by Sept. 15, 1954, and submission of briefs by Oct. 1, 1954.

IT IS SO ORDERED.

REGIONAL REACTION: THE CHALLENGE IS ACCEPTED

The following items are excerpts from statements and observations made by various sources in the South, concerning the Supreme Court decision outlawing segregation.

* * *

The Reverend Edwin L. Brock, pastor of the Methodist Church in Marion, La., and SCEF board member, told his congregation:

The Christian . . . will become the guardian of the moral and spiritual values that are involved in this decision. For basic to the decision are certain assumptions that are fundamental to the Christian faith. These values the Christian is obligated to uphold.

One of these is the recognition that there are no inferior races. That is a fundamental fact of science but long before science had discovered the proof of this fact Christians were declaring their belief in a God who was the father of all men and before whom all men were equal. The court therefore was not discovering a new fact when it recognized that there are no inferior races. It was only emphasizing, recognizing, and incorporating into law what has always been true.

The Christian must seek also to preserve the values of human personality for he affirms that all men are made in the image of God. The court rightly saw the damages to personality that were involved in segregation. Some of them the court felt were so severe that they were "unlikely ever to be undone." The Christian equally must in the years ahead seek to protect human personality from those influences which would injure or distort it and thus make possible the flowering of the divine in every man.

Simply by virtue of the fact that he calls himself by the name of the Christ, the Christian must seek to uphold the values of justice and fair dealing that are involved in the decision. The court found segregation an injurious wrong. The Christian cannot make his stand on a moral foundation that is built on a lesser concept of justice than that.

The court has presented a challenge to the South, to the nation and above all to the Christian. Because of what he stands for the Christian will be looked to for leadership. He cannot permit himself to be misled by emotion, or deceived by dishonesty, or allow himself to be distracted from the faith he is obligated to declare.

* * *

The following dispatch from Birmingham was distributed by the Federated Press:

BIRMINGHAM, Ala. (FP)—Official reaction to the U. S. Supreme Court decision outlawing segregation in the public schools has been unfavorable in this section, as could be expected.

County solicitors from over the state have met to ponder ways of evading the decision and a committe of legislators will soon address themselves to the same purpose. It has been predicted in the press that local boards will have the authority to maintain Jimcrow by gerrymandering school districts, but such reasoning lacks force in view of how similar schemes to block Negro voting have failed.

Another tactic—the holding of Negro teachers as "hostages" against integration—was implicit in the remarks of I. F. Simmons, superintendent of the county schools here.

"Our school system here employs Negroes out of all proportion to the number in similar positions in non-segregated areas," he said, but if and when integration occurs, the near-equality in numbers of white and Negro teachers and school officials will "definitely be a thing of the past."

Simmons admitted some white teachers "were of necessity being employed who did not have college degrees," while all new Negro teachers were college graduates.

Gov.-elect James E. Folsom, who had the solid support of Negro voters in his recent primary victory, had no comment to make. One of his aides stated that desegregation in Alabama would be gradual, an observation which Thurgood Marshall, Natl. Assn. for the Advancement of Colored People chief counsel, also made during a recent visit to the state. Marshall predicted then it would be 30 years before the schools of some counties in the black belt were integrated Negroes outnumber whites as much as four to one in those counties.

However, the forceful, sweeping language of the court decision has stirred the Negro population in all sectors. Changes may come quicker than Marshall and others have calculated. A white resident of the black belt reported this conversation between his 11-year old son and a Negro playmate.

'I'll be going to school with you next year," the Negro child said. "You won't like that, will you?"

"I don't care," the white boy said with complete sincerity.

Unfortunately, it probably won't be next year. But if, in an area where share-cropping and peonage have perpetuated the economic pattern of pre-civil war days, the word about the new dispensation has reached the children, it won't be too long either.

* * *

The Georgia Federation of Labor passed a resolution calling upon state officials to obey the court decision "within the present school framework."

Delegates to the convention held in Columbus took the action just before Governor Talmadge made an angry address, pledging his administration to maintain Jim Crow schools.

The resolution was introduced by the Atlanta AFL, which criticized Talmadge's private school plan for failing to account for teachers' pensions, the possibility of losing federal funds for vocational training, and funds for school lunches.

* * *

Jeannette C. Carmichael, editor of the Bay St. Louis, Miss., Light, declared in an editorial:

"A just decision, regardless of how anyone may feel . . . The schools of the future will not be white or colored schools, but 'public schools' where the best minds of all races and creeds can be trained to give their utmost to our common country.

" 'God Bless America.' "

* * *

Senator Eastland of Mississippi, whose fading political fortunes drove him to witch-hunting, gained some more cheap headlines by accusing five Supreme Court justices of being "brain-washed" by left-wing elements.

He singled out Justice Black's acceptance in 1946 of a commendation by the Southern Conference for Human Welfare, terming the latter a "notorious Communist front."

Weary as we are of exposing this desperate demagogue's misstatements, let us point out that Eastland spoke on the libel-proof Senate floor. Two months ago, when he was interviewed by newsmen and lacked senatorial immunity, the worst epithet he dared utter was that the SCEF was a "particular vicious" organization.

* * *

The Archdiocese School Board of New Orleans' Catholic schools went on record as expressing full approval of the decision.

"We express the hope that such integration may prove to be a pattern for better and more enlightened relationships on all sides in the days that lie ahead," stated the board, whose membership includes Archbishop J. F. Rummel.

* * *

A declaration issued by state NAACP

(Continued on Page 4.)